



THE ATTORNEY GENERAL  
OF TEXAS

Gerald C. Mann

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. Joe Gordon  
County Attorney  
Gray County  
Pampa, Texas

Opinion No. 0-2167  
Re: Eligibility of certain bonds voted  
by Gray County prior to January 2, 1939,  
to participate in the County and Road  
District Highway Fund provided in H.B.  
688, Forty-sixth Legislature, Regular  
Session.

Dear Sir:

We are in receipt of your request for the opinion  
of this department on the following question:

"May Gray County now issue a portion of the  
\$500,000 of the original \$800,000 bond issue  
which were voted in 1931 and use the proceeds  
thereof for the construction of State Highway  
18 in Gray County under the provisions of H.B.  
688, and particularly Section 6(a), paragraph  
3 thereof, and will such bonds be eligible to  
participate in the County and Road District  
Highway Fund, the same as if the bonds were is-  
sued and spent prior to January 2, 1939?"

Briefly, the facts underlying your question are that  
in March of 1931 Gray County authorized by vote the issuance  
of \$800,000 of bonds for State highway purposes, and out of  
such authorization only \$48,000 of this issue were sold; none  
of the remaining bonds have ever been issued.

We think, under the facts stated, that such bonds  
would, when issued and the proceeds thereof expended in the con-  
struction of roads constituting a part of the State Highway Sys-  
tem, be eligible for participation in the County and Road Dis-  
trict Highway Fund provided by House Bill 688 of the Forty-sixth  
Legislature, Regular Session. Clearly, under this state of facts,  
the bonds come within the exception provided in paragraph 3, sub-  
section (a), section 6 of H.B. 688, which reads, in part, as fol-  
lows:

"In addition to, and regardless of, the other  
provisions of this Act, all bonds voted by a county  
prior to January 2, 1939, insofar as amounts of  
same were or may be issued and the proceeds actually

Hon. Joe Gordon, page 2

expended in the construction of roads which are a part of the designated system of State highways, shall be eligible in the distribution of moneys coming into said County and Road District Highway Fund, the same as provided for other bonds under this Act, and as of the date of the designation of said roads as a part of the State System \*\*\*"

We are enclosing herewith our Opinion Number O-1334, which treats of this exception in detail, and the conclusion therein reached, in our opinion, substantially answers the question submitted in your request.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/s Clarence E. Crowe  
Clarence E. Crowe, Assistant

APPROVED MAY 6, 1940  
/s/ Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

APPROVED: OPINION COMMITTEE  
BY: BWB, CHAIRMAN

CEC-s:wb

Encl.